

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JUSTIN T. CLAYTON,

Plaintiff,

v.

FOWLerville SCHOOL DISTRICT and
WAYNE ROEDEL,

Defendants.

Case No. 1:22-cv-690

Hon. Paul L. Maloney

ORDER TO TRANSFER VENUE

Pro se plaintiff resides in Fowlerville, Michigan. He filed a complaint against defendants Fowlerville School District and its Superintendent Wayne Roedel. Plaintiff appears to seek relief under the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

The general venue provisions in 28 U.S.C. § 1391(b) provide in pertinent part that a civil action may be brought in “(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located” or “(2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated”. Defendant Fowlerville School District is located in Livingston County, Michigan. Defendant Roedel is a public official of the district serving in Livingston County. For purposes of venue in a lawsuit challenging official acts, defendant Roedel “resides” in Livingston County. *See Butterworth v. Hill*, 114 U.S. 128, 132 (1885); *O’Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972). Livingston County is within the

geographical boundaries of the Eastern District of Michigan. 28 U.S.C. § 102(a). In these circumstances, venue is proper only in the Eastern District. Accordingly,

IT IS ORDERED that this case be transferred to the United States District Court for the Eastern District of Michigan pursuant to 28 U.S.C. § 1406(a). **This Court has not decided plaintiff's motion to proceed *in forma pauperis*.**

Dated: September 29, 2022

/s/ Ray Kent
RAY KENT
United States Magistrate Judge